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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,894	03/31/2000	Marvin J. Doman	S-90,669	7348

31972 7590 03/21/2003

UNITED STATES DEPARTMENT OF ENERGY
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EXAMINER

BEHREND, HARVEY E

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Art Unit: 3641

1. Applicant's election without traverse in the 3/6/02 response, of Group I and specie A, is acknowledged.

In the 8/12/02 response, applicant elected specie S with traverse, stating that species R and S are obvious variants of one another. On the basis of this statement, the election of species requirement between species R and S (see section 2 of the 7/02/02 Office action) is withdrawn.

An action on claims 1-5, 10-14 follows.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kessinger.

The shear ring reads on element 80 which is welded to shield plug 72 at 84 (col.4 lines 50+) and to the canister shell at 68 (col.5 lines 46+). Note also that cover 114 is welded to element 128 at edge 132. Element 128 is welded to the canister shell at lower edge 130 (col.6 lines 18+).

5. Claims 2-4, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessinger in view of applicants own admission of prior art in the specification or, Hallet et al.

Kessinger has been discussed above. Claims 2 and 3 recite a multi-piece construction rather than a single unitary construction. However, such is admitted by applicant in the 8/12/02 response to be an obvious modification.

Claims 2 and 3 are further considered obvious in view of the case law stating that a one piece construction versus a multi-piece construction, is an obvious engineering choice (see MPEP 2144.04, part V).

As to claim 4, Kessinger shows the cover plate welded to the canister shell. It would have been *prima facie* obvious to have also welded the cover plate to the shield plug because such is no more than an art recognized conventional expedient. **DECLASS**

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It is conventional in the art and hence obvious on its face to provide structure for leak testing as evidenced for example by the teachings thereof in either Hallet et al or applicants specification on page 6 lines 15+.

6. The other references cited further illustrate pertinent art.
7. Any inquiry concerning this communication should be directed to Harvey Behrend at telephone number (703) 305-1831. The examiner can normally be reached on Tuesday to Friday. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198.



HARVEY E. BEHREND
PRIMARY EXAMINER

behrend/jcs
11-06-02